

HEALTH AND SANITATION PROGRAM

*Exchange of notes at Rio de Janeiro July 28 and August 23, 1944, with
related letters, modifying agreement of November 25, 1943*¹

Entered into force August 23, 1944

*Program terminated October 3, 1960*²

62 Stat. 3835; Treaties and Other
International Acts Series 1939

The American Ambassador to the Minister of Foreign Affairs

EMBASSY OF THE
UNITED STATES OF AMERICA

RIO DE JANEIRO, BRAZIL

July 28, 1944

No. 87

EXCELLENCY:

I have the honor to refer to the Health and Sanitation Agreement between the Governments of the United States of Brazil and the United States of America, concluded at Rio de Janeiro on November 25, 1943.¹

In this connection, I refer to a letter dated July 18, 1944, a copy of which is enclosed, from Major General George C. Dunham, Executive Vice President of the Institute of Inter-American Affairs, to His Excellency Dr. Gustavo Capanema, Minister of Education and Health of Brazil, in which General Dunham proposes certain slight alterations in the original agreement in order to facilitate and improve the execution of the cooperative program of health and sanitation by the *Serviço Especial de Saúde Pública* (S.E.S.P.), and to provide for increasing participation by Brazilians in the operation of the S.E.S.P.

I should appreciate it if Your Excellency would study these proposals in conjunction with the appropriate authorities of the Brazilian Government and, if agreeable, if you would write me indicating your approval.

Accept, Excellency, the renewed assurances of my highest consideration.

JEFFERSON CAFFERY

His Excellency

Dr. OSWALDO ARANHA

Minister for Foreign Affairs

Rio de Janeiro

¹ EAS 375, *ante*, p. 960.

² Pursuant to notice of termination given by Brazil Aug. 4, 1960.

The American Executive Vice-President of the Institute of Inter-American Affairs to the Brazilian Minister of Education and Health

A-2369

RIO DE JANEIRO, July 18, 1944

His Excellency

DOCTOR GUSTAVO CAPANEMA

*Minister of Education and Health**Rio de Janeiro, Brazil*

EXCELLENCY:

I have the honor of referring to the agreement between the Ministry of Education and Health of Brazil and The Institute of Inter-American Affairs dated November 25, 1943 providing for the cooperative program of health and sanitation in Brazil now being carried out by the cooperative service designated as the SESP. In order to facilitate and improve the execution of the cooperative program of health and sanitation by the SESP and to provide for increasing participation by Brazilians in the operation of the SESP, I am now proposing for consideration by Your Excellency the following modifications in certain clauses of the agreement referred to above.

Clause III which reads:

"The Government of Brazil shall appoint as Superintendent of SESP the Chief of Field Party, Health and Sanitation Division, The Institute of Inter-American Affairs. The Superintendent shall have as an administrative assistant a qualified expert duly appointed by the Minister of Education and Health and acceptable to the said Superintendent."

will be amended to read:

"The Government of Brazil shall appoint a Superintendent of the SESP who shall be acceptable to the Chief of Field Party of the Institute.

"With the approval of the Minister the Superintendent of SESP may delegate his authority to persons employed by the SESP and to members of the Field Party of the Institute who may, by mutual agreement between the Chief of Field Party and the Superintendent of the SESP, be assigned to the SESP."

Clause IV which reads:

"The health and sanitation program in Brazil shall continue to consist of individual projects. The kind of work and the specific projects to be undertaken in execution of this agreement and the allocation of funds therefor shall be agreed upon by the Minister of Education and Health and the Chief of Field Party in his capacity as representative of the Health and Sanitation Division of the Institute and shall be carried out by the Superintendent of the SESP in conformity with policies prescribed jointly by the Minister and the Chief of Field Party for the Institute."

will be amended to read :

“The policies and administrative procedures governing the realization of the health and sanitation program in Brazil shall be mutually agreed upon by the Minister of Education and Health and the Chief of Field Party. The health and sanitation program shall consist of individual projects. Each project shall be embodied in a written project description which shall be mutually agreed upon and signed by the Superintendent of the SESP and the Chief of Field Party and which shall define the kind of work to be done, the allocation of funds therefor and such other matters as the Superintendent of the SESP and the Chief of Field Party shall desire to include. All projects shall be carried out by the Superintendent of the SESP in conformity with policies jointly prescribed by the Minister of Education and Health and the Chief of Field Party.”

Clause X which reads:

“The Superintendent of SESP shall have the sole power to select, appoint and discharge the employees of SESP and shall determine the salaries, transfers and conditions of employment within the SESP. The employees of SESP shall be remunerated from SESP funds. The Brazilian public officials employed in the SESP shall incur no loss of their civil service status as employees of the Government of Brazil.”

will be amended to read :

“The Superintendent of SESP shall have the power to select, appoint, and discharge the employees of SESP and shall determine the salaries, transfers, and conditions of employment within the SESP (except for employees on a professional and technical level who will be employed by SESP upon mutual agreement between the Superintendent of SESP and the Chief of Field Party). The employees of SESP shall be remunerated from SESP funds. The Brazilian public officials employed in SESP shall incur no loss of their civil service status as employees of the Government of Brazil.”

Clause XIV which reads:

“The Superintendent of SESP shall furnish the Minister of Education and Health any information which is desired concerning the SESP or its activities. Reports shall be provided to the Minister regarding the progress of the work of SESP and its specific projects at such time or times as agreed to by the Minister and the Superintendent.”

will be amended to read :

“The Superintendent of SESP shall provide the Minister and the Chief of Field Party with reports regarding the progress of the work of SESP and its specific projects at such intervals as may be agreed upon by them and the Superintendent of SESP. The Chief of Field Party or his delegates may inspect the projects, activities, records and files of SESP as necessary.”

It should also be understood that wherever in the agreement the phrase "the Minister of Education and Health" is mentioned it will be interpreted to mean the "Minister of Education and Health or his delegate". I propose for consideration by Your Excellency, in order to facilitate the operation of the SESP, that the delegate of the Minister of Education and Health as mentioned above be the Superintendent of the SESP.

It is understood that the agreement of November 25, 1943 shall remain in full force and effect, except insofar as it is specifically amended by the foregoing modifications.

If these modifications are acceptable to Your Excellency, this letter and Your Excellency's acceptance will constitute a binding and effective agreement between The Institute of Inter-American Affairs and the Ministry of Education and Health in accordance with the terms contained therein.

Accept, Excellency, the assurances of my highest consideration.

GEORGE C. DUNHAM
Major General, U.S. Army
Executive Vice-President
The Institute of Inter-American Affairs

The Minister of Foreign Affairs to the American Ambassador

[TRANSLATION]

MINISTRY OF FOREIGN RELATIONS

RIO DE JANEIRO

August 23, 1944

DAI/DEC/235/512.6(22)

MR. AMBASSADOR:

I have the honor to acknowledge the receipt of your note No. 87 of July 28 last, in which Your Excellency refers to the Agreement on health and sanitation between the Governments of Brazil and the United States of America which was concluded in this city on November 25, 1943.

2. Your Excellency refers to the letter dated July 18 last, a copy of which is enclosed, from Major General George C. Dunham, Vice President of the Institute of Inter-American Affairs, to Doctor Gustavo Capanema, Minister of Education and Health of Brazil, suggesting some slight modifications of the aforementioned Agreement in order to facilitate and improve the execution of the cooperative program of health and sanitation by the Special Public Health Service (S.E.S.P.).

3. In reply, I have been authorized to inform Your Excellency that the Brazilian Government accepts the modifications suggested by Major General Dunham in their entirety, and that in this connection my colleague of the Ministry of Education and Health will reply to the letter that he sent to him on July 18 last.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration.

P. LEÃO VELLOSO

His Excellency

JEFFERSON CAFFERY

*Ambassador of the
United States of America*

*The Brazilian Minister of Education and Health to the American Executive
Vice-President of the Institute of Inter-American Affairs*

[TRANSLATION]

DAI/241/512.6(22)/1944/one enclosure
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RIO DE JANEIRO, August 24, 1944

MR. VICE PRESIDENT:

I have the honor to acknowledge the receipt of your letter of July 18 last in which Your Excellency, in order to facilitate and improve the execution of the cooperative program of health and sanitation undertaken by the Special Public Health Service, and in order to allow an increasing participation by Brazilians in the operation of the aforementioned Service, proposes the following modifications in certain clauses of the agreement between the Brazilian Government and the Government of the United States, signed on November 25, 1943:

[For text of modifications, see U.S. letter, above.]

Your Excellency further suggests in the aforementioned letter:

- a) that wherever in the agreement the phrase "the Minister of Education and Health" is mentioned it will be interpreted to mean the "Minister of Education and Health or his delegate".
- b) that this delegate be the Superintendent of the Special Public Health Service; and
- c) that the agreement of November 25, 1943 shall remain in full force and effect, except insofar as it is specifically amended by the foregoing modifications.

After giving due consideration to the modifications suggested by Your Excellency, and after submitting the matter to the high consideration of the President of the Republic, I take pleasure in communicating to you that I approve and accept the aforementioned modifications, and that they will constitute an effective agreement between the Institute of Inter-American Affairs and the Ministry of Education and Health in accordance with the terms contained in Your Excellency's letter and in the present document.

I avail myself of this occasion to renew to Your Excellency the assurances of my distinguished consideration and esteem.

GUSTAVO CAPANEMA